



10074152-051402 #4

Atty Dkt 9001-0042.01  
PATENT

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6/10/02  
Date

[Signature]  
Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

BARKER and MORSEY

Confirmation No.: 8156

Serial No.: 10/074,152

Group Art Unit: Unassigned

Filing Date: February 11, 2002

Examiner: Unassigned

Title: IMMUNOLOGICAL METHODS TO MODULATE MYOSTATIN IN VERTEBRATE SUBJECTS

**PRELIMINARY AMENDMENT**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Please enter the following amendments prior to examination of the above-identified patent application.

Accompanying Documents

Accompanying this Amendment are the following documents:

- (1) Marked-up version of the specification, showing the amendments made herein; and
- (2) ATCC Deposit Receipts.



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## AMENDMENT

### In the Specification:

Please replace the paragraph beginning at page 68, line 10, with the following rewritten paragraph:

These deposits are provided merely as convenience to those of skill in the art, and are not an admission that a deposit is required under 35 U.S.C. §112. The nucleic acid sequences of these plasmids, as well as the amino acid sequences of the polypeptides encoded thereby, are incorporated herein by reference and are controlling in the event of any conflict with the description herein. A license may be required to make, use, or sell the deposited materials, and no such license is hereby granted.

<u>Strain</u>	<u>Deposit Date</u>	<u>ATCC No.</u>
pAA352 in <i>E. coli</i> W1485	March 30, 1990	68283
pCB113 in <i>E. coli</i> JM105	February 1, 1995	69749
pCB150 in <i>E. coli</i> TOP10F'	February 18, 1999	207117
pJS123 in <i>E. coli</i> TOP10F'	February 10, 1999	207093
pJS127 in <i>E. coli</i> TOP10F'	February 10, 1999	207092
pJS130 in <i>E. coli</i> TOP10F'	February 10, 1999	207091

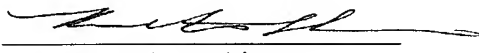
Attached is a marked-up version of the changes made to the specification by the current amendment. The attached page is captioned "Version with markings to show changes made."

## REMARKS

The foregoing amendments are being made to include the ATCC deposit information. ATCC deposit receipts for plasmids pCB150, pJS130, pJS127 and pJS123 are also included. Entry of the amendments is respectfully requested.

Respectfully submitted,

Date: 6/10/02

By:   
Roberta L. Robins  
Registration No. 33,208

ROBINS & PASTERNAK LLP  
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Menlo Park, CA 94025  
Telephone: 650-325-7812  
Facsimile: 650-325-7823



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VERSION WITH MARKINGS TO SHOW CHANGES MADEIn the Specification:

The paragraph beginning at page 68, line 10 has been replaced with the following rewritten paragraph:

These deposits are provided merely as convenience to those of skill in the art, and are not an admission that a deposit is required under 35 U.S.C. §112. The nucleic acid sequences of these plasmids, as well as the amino acid sequences of the polypeptides encoded thereby, are incorporated herein by reference and are controlling in the event of any conflict with the description herein. A license may be required to make, use, or sell the deposited materials, and no such license is hereby granted.

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pJS127 in <i>E. coli</i> TOP10F'	<u>February 10, 1999</u>	<u>207092</u>
pJS130 in <i>E. coli</i> TOP10F'	<u>February 10, 1999</u>	<u>207091</u>

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**ATCC**

**ROBINS & ASSOCIATES**

10801 University Blvd • Manassas, VA 20110-2209 • Telephone: 703-365-2700 • FAX: 703-

**BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF  
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE**

**INTERNATIONAL FORM**

**RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3  
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2**

**To: (Name and Address of Depositor or Attorney)**

Biostar Inc.  
Attn: Stephen D. Acres  
#343-111 Research Drive  
Saskatoon, Saskatchewan  
Canada S7N 3R2

**Deposited on Behalf of:** BIOSTAR Inc.

**Identification Reference by Depositor:**

**ATCC Designation**

Plasmid pCB150 in *Escherichia coli* strain Top10

207117

The deposit was accompanied by:      a scientific description   X   a proposed taxonomic description indicated above.

The deposit was received February 18, 1999 by this International Depository Authority and has been accepted.

**AT YOUR REQUEST:**   X   We will inform you of requests for the strain for 30 years.

The strain will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strain, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strain.

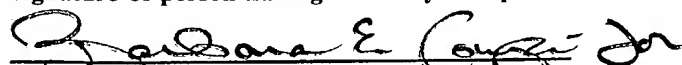
If the culture should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace it with living culture of the same.

The strain will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the culture cited above was tested February 23, 1999. On that date, the culture was viable.

**International Depository Authority:** American Type Culture Collection, Manassas, VA 20110-2209 USA.

**Signature of person having authority to represent ATCC:**

  
Barbara M. Hailey, Administrator, Patent Depository

**Date:** February 23, 1999

**cc:** Roberta Robins (Ref. 9001-0042)

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10074352 DEPOSITED

# ATCC

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ROBINS & ASSOCIATES

10801 University Blvd • Manassas, VA 20110-2209 • Telephone: 703-365-2700 • FAX: 703-

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF  
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE  
**INTERNATIONAL FORM**

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3  
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

BIOSTAR Inc.  
Attn: Stephen D. Acres  
#343 - 111 Research Drive  
Saskatoon, Saskatchewan, Canada S7N 3R2

Deposited on Behalf of: BIOSTAR Inc.

Identification Reference by Depositor:

ATCC Designation

Plasmid pJS130 in *Escherichia coli* strain Top10F  
Plasmid pJS127 in *E. coli* strain Top10F  
Plasmid pJS123 in *E. coli* strain Top10F

207091  
207092  
207093

The deposits were accompanied by:      a scientific description X a proposed taxonomic description indicated above. The deposits were received February 10, 1999 by this International Depository Authority and have been accepted.

AT YOUR REQUEST: X We will inform you of requests for the strains for 30 years.

The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strains, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strains.

If the cultures should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested February 24, 1999. On that date, the cultures were viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:



Barbara M. Hailey, Administrator, Patent Depository

Date: February 24, 1999

cc: Roberta Robins (Ref. 9001-0042P)